

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1242

T07-0032

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Illinois Central Railroad Company ("Company"), Sullivan Township Road District ("Township") and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the 650E/Township Road 91C highway-rail grade crossing of the Illinois Central Railroad Company track near Sullivan, Sullivan Township, Moultrie County, Illinois, designated as crossing AAR/DOT #292 910B, railroad milepost 99.60-B; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Vacation of the existing 650E roadway within the Company's right-of-way ("ROW"), as described and shown in Exhibit D, by the Township.
- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices ("MUTCD"), at the limits of the vacated roadway, by the Township.

DOCKETED

- (c) Removal of the existing grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances (culverts, road signs, etc.), and matching of the adjacent profiles within the limits of the vacated roadway at the existing 650E highway-rail grade crossing, by the Company.
- (d) Installation of permanent traffic barriers and/or appropriate signage conforming to the requirements of 92 Ill. Adm. Code 1535.701 and/or the MUTCD, at the limits of the vacated roadway, by the Township and the Company (as necessary).
- (e) Removal of the existing roadway surface and appurtenances and matching adjacent profiles between the Company ROW and Illinois Route 121 (IL 121), by the Company.
- (f) Installation of any necessary signage and/or removal of any unnecessary signage within the IL 121 ROW, by the Department.
- (g) Payment as noted below from the GCPF to the Township for voluntary closure of the 650E highway-rail grade crossing, by IDOT.

Section 3 The Township has passed an ordinance, attached as Exhibit D, vacating the 650E roadway adjacent to the crossing upon entry of a Commission Order authorizing an incentive payment from the GCPF for closure of the 650E grade crossing. Within five (5) days after the Township receives a copy of a Commission Order, the Township shall erect temporary barricades to prevent vehicular access to the 650E crossing. Temporary barricades must remain in place until such time as the crossing is no longer accessible to vehicular traffic and vehicular traffic has been properly diverted from the 650E crossing. The Company (on behalf of the Township) will be responsible for all costs to erect the temporary barricades on the north approach to the crossing; the Township will be responsible for all costs to erect the temporary barricades on the south approach to the crossing. The Township will be responsible for all costs to maintain the temporary barricades on both approaches to the crossing.

Section 4 The Township shall (as necessary), upon Order, according to the requirements contained therein, install permanent traffic barriers and/or signage at the limits of the vacated roadway. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. When the crossing is no longer accessible to vehicular traffic and vehicular traffic has been properly diverted from the 650E crossing, the Township shall provide all parties with notice that the crossing has been vacated and closed. Notification shall occur within five (5) days of completion. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company (on behalf of the Township) will be responsible for all costs to erect any necessary permanent traffic barriers on the north side of the crossing; the Township will be responsible for all costs to erect any necessary permanent traffic barriers on the south side of the crossing. The Township will be responsible for all costs to maintain any necessary permanent traffic barriers on both approaches to the crossing.

[NOTE: If the roadway approaches and appurtenances (culverts, road signs, etc.) are removed, and the adjacent profiles within the limits of the vacated roadway are matched, permanent barriers will not need to be installed.]

The Company shall, according to the requirements contained within the Order, remove the existing grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and match the adjacent profiles within the limits of the vacated roadway at the

existing 650E crossing. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. The Company shall provide all parties notice that the work has been completed within five (5) days of the completion. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company will be responsible for all costs to remove the crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and match the adjacent profiles within the limits of the vacated roadway at the 650E crossing.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Vacate 650E by Local Ordinance; Erect Temporary Barricades.	No Estimate Required	\$0	50% ²	50% ²	\$0
Remove Existing Surface, Crossbuck Warning Signs and Roadway at the 650E Crossing.	No Estimate Required	\$0	\$0	100% ³	\$0
Install Permanent Traffic Barriers and/or Signage at the 650E Crossing.	No Estimate Required	\$0	50% ⁵	50% ^{4,5}	\$0
Roadway Removal Between North RR ROW and IL 121	No Estimate Required	\$0	\$0 ^{4,6}	100% ⁴	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the 650E Crossing.	\$50,000	(100%) \$50,000 ¹	\$0	\$0	\$0 ⁸
Install/Remove Signage within IL 121 ROW	No Estimate Required	\$0	\$0	\$0	100% ⁷
Provide Closure Incentive Payment for Voluntary Closure of the 650E Crossing	\$7,500	\$0	\$0	(100%) \$7,500	\$0
TOTALS	\$57,500	\$50,000	\$0	\$7,500	\$0

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total GCPF payment for voluntary closure of the 650E crossing not to exceed \$50,000.

² The Township shall be responsible for erecting temporary barricades to prevent vehicular access to the 650E highway-rail grade crossing; the Company shall reimburse the Township for all costs associated with erecting temporary barricades on the north approach to the 650E crossing; the Township shall be responsible for all costs associated with erecting temporary barricades on the south approach to the 650E crossing; the Township shall be responsible for all maintenance costs associated with the temporary barricades on both approaches to the crossing.

³ The Company shall be responsible for all costs associated with the removal of the existing 650E highway-rail grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and matching of the adjacent profiles within the limits of the vacated roadway.

⁴ See Exhibit D for limits of vacated roadway.

⁵ The Township shall be responsible for installing any necessary permanent traffic barriers and/or appropriate signage; the Company shall reimburse the Township for all costs associated with installing any permanent traffic barriers, if necessary, and/or appropriate signage on the north approach to the 650E crossing; the Township shall be responsible for all costs associated with installing permanent traffic barriers, if necessary, and/or appropriate signage on the south approach to the 650E crossing; the Township shall be responsible for all maintenance costs associated with any permanent traffic barriers and/or appropriate signage on both approaches to the crossing.

⁶ The Company shall be responsible for removal of the existing roadway surface and appurtenances and matching adjacent profiles between the north Company ROW and IL 121.

⁷ The Department shall be responsible for all costs associated with the maintenance of any signage installed within the IL 121 ROW.

⁸ The Department shall issue a payment of \$50,000 from the GCPF to the Township within sixty (60) days from the date of receipt of the Township's request for payment.

Section 6 The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit B.

Section 7 Special Provisions: The Township has submitted a certified copy of the local vacation ordinance, as evidence that the 650E roadway will be vacated upon Order by the Commission. The vacation ordinance is attached as Exhibit D

Prior to any work, the Township or the Company shall call the Joint Utility Locating Information for Excavators (J.U.L.I.E.) at (800) 892-0123 to locate all utilities that may be affected.

Upon receipt of the Commission Order, the Township shall notify Mr. Phil Boyer of the Department's District Seven office at (217) 342-8291, in order to coordinate any necessary installation and/or removal of signage by IDOT.

Upon receipt of the Commission Order, the Township shall install temporary Type-III barricades to prevent vehicular access to the 650E crossing. The temporary barricades shall conform to the requirements of 92 Ill. Adm. Code 1535.701 and the MUTCD. The Company (on behalf of the Township) will be responsible for all costs to erect the temporary barricades on the north approach to the crossing; the Township will be responsible for all costs to erect the temporary barricades on the south approach to the crossing. The Township will be responsible for all costs to maintain the temporary barricades on both approaches to the crossing -- See Section 3. Upon installation of the temporary barricades, the Township may submit a bill to the Company for costs associated with erecting the barricades on the north approach.

Upon installation of the temporary barricades, the Company shall remove the existing grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and match the adjacent profiles within the limits of the vacated roadway at the existing 650E crossing (See Section 4). The Company shall provide all parties with notice that the work has been completed with five (5) days of completion. Notification may be by regular mail, electronic mail, facsimile, or phone.

When the crossing is no longer accessible to vehicular traffic and vehicular traffic has been properly diverted from the 650E crossing, the Township shall:

- A. Install permanent traffic barriers and/or appropriate signage at the limits of the vacated roadway, if necessary. Any permanent traffic barriers shall conform to the requirements of 92 Ill. Adm. Code 1535.701 and the MUTCD. The Townships shall also install the appropriate regulatory and warning signs conforming to the requirements of the MUTCD. All costs to erect any traffic barriers and signage on the north approach to the 650E crossing are to be paid by the Company (on behalf of the Township); all costs to erect any traffic barriers and signage on the south approach to the 650E crossing are to be paid by the Township. All costs to maintain the traffic barriers and signage on both approaches to the crossing are to be paid by the Township -- See Section 4. Upon installation of any permanent traffic barriers, the Township may submit a bill to the Company for costs associated with erecting any barriers on the north approach.
- B. Submit a request to the Department for a \$50,000 voluntary crossing closure incentive

payment from the Grade Crossing Protection Fund. Within sixty (60) days from receipt of a Township's request, the Department shall issue a payment of \$50,000 from the GCPF to Sullivan Township. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The Township may use the GCPF payment for any purpose that meets IDOT requirements for permissible uses of Motor Fuel Tax Funds.

- C. Submit a request to the Company for a \$7,500 voluntary crossing closure incentive payment. Within sixty (60) days from receipt of the request, the Company shall issue a payment of \$7,500 to Sullivan Township. The Company shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone.

The Company and the Township shall, upon completion of the work required of each party according to the requirements of this Agreement and any subsequent Order, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a completed Project Status Report, attached as Exhibits C and C1. The Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, electronic mailing address of the Company or Township Project Manager, and information regarding the current status of their work.

The Company shall, within five (5) days of the completion of the work required, submit a completely updated United States Department of Transportation Inventory Form (#6180.71) to the Federal Railroad Administration, the Chief of Data Services at the Illinois Department of Transportation, and the Director of Processing and Information, Transportation Bureau of the Commission.

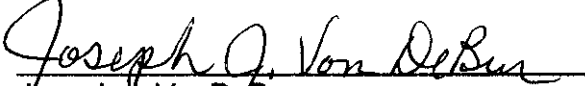
SECTION 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 2nd day of February 2007.


 Michael E. Stead
 Rail Safety Program Administrator

Attest:


 Joseph J. VonDeBur
 Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1242, executed by Commission Staff on February 2, 2007, concerning improvements at the 650E/Township Road 91C highway-rail grade crossing of the Company's track near Sullivan, in Sullivan Township line, Moultrie County, Illinois, designated as crossing AAR/DOT 292 910B, milepost 99.60-B.

Executed by the Department this 13th day of March 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1242, executed by Commission Staff on February 2, 2007, concerning improvements at the 650E/Township Road 91C highway-rail grade crossing of the Company's track near Sullivan, in Sullivan Township line, Moultrie County, Illinois, designated as crossing AAR/DOT 292 910B, milepost 99.60-B.

Executed by Sullivan Township this 16 day of March 2007.

SULLIVAN TOWNSHIP

By: Charles H. Warner

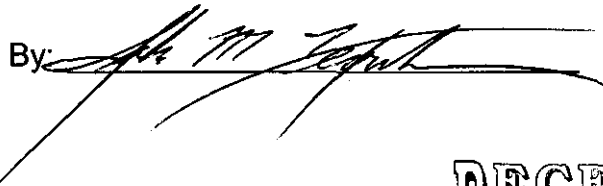
Attest:

Gary W. Bruce
Clerk

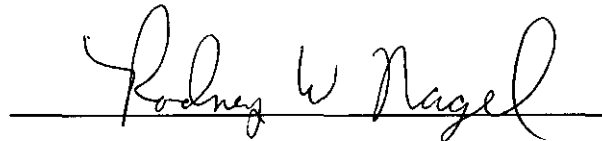
Illinois Commerce Commission Stipulated Agreement No. 1242, executed by Commission Staff on February 2, 2007, concerning improvements at the 650E/Township Road 91C highway-rail grade crossing of the Company's track near Sullivan, in Sullivan Township line, Moultrie County, Illinois, designated as crossing AAR/DOT 292 910B, milepost 99.60-B.

Executed by the Company this 23 day of April 2007.

ILLINOIS CENTRAL RAILROAD COMPANY

By: 

Witness:



RECEIVED
APR 25 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	292910B, 99.60-B
STREET, CITY, COUNTY	TR91C/650E, Near Sullivan, Moultrie County
JURISDICTION (RDWY)	Sullivan Township
LOCATION	Rural, Agricultural, Residential
STREET SURFACE	One-Lane, Two-Way, 12 Foot Wide, Oil and Chip

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full Depth Timber	20 Feet	Excellent

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Illinois Route 121 – 74 Feet North
TRAFFIC CONTROL	Stop Sign for 650E Traffic
ADT & SPEED	600 Vehicles (Estimated) Per Day @ 55 MPH (Not Posted)
TRAFFIC TYPE	Passenger Vehicles and Possible School Busses, Hazardous Materials, Agricultural Equipment, Emergency Vehicles
ADVANCE WARNING	W10-1: South W10-3: East and West by IDOT
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	4 Per day @ 35 MPH, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	R15-1: Reflective Crossbucks (NW & SE) W10-I100: CAUTION: 50 FEET BETWEEN TRACKS AND HIGHWAY (SE) R8-8: DO NOT STOP ON TRACKS (SE)

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	35	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	483	FEET
Along Tracks	352	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	832	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH (IL121 Side)			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	99.3	-2.8	25	98.3	-6.8
50	99.2	-0.4	50	95.6	-10.8
100	99.8	1.2	100	92.3	-6.6

Distance measured from outermost rail.

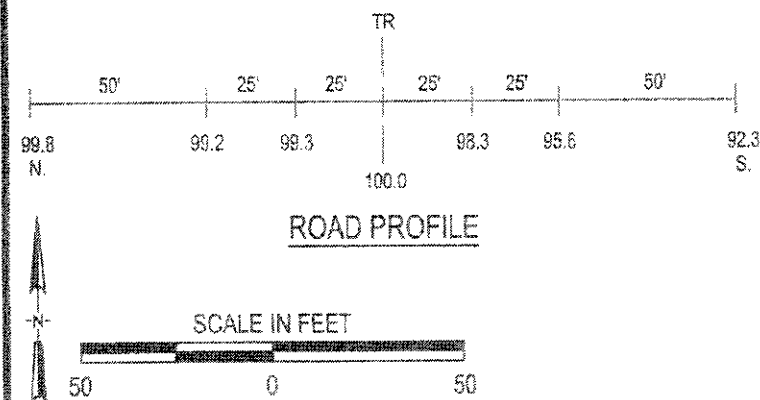
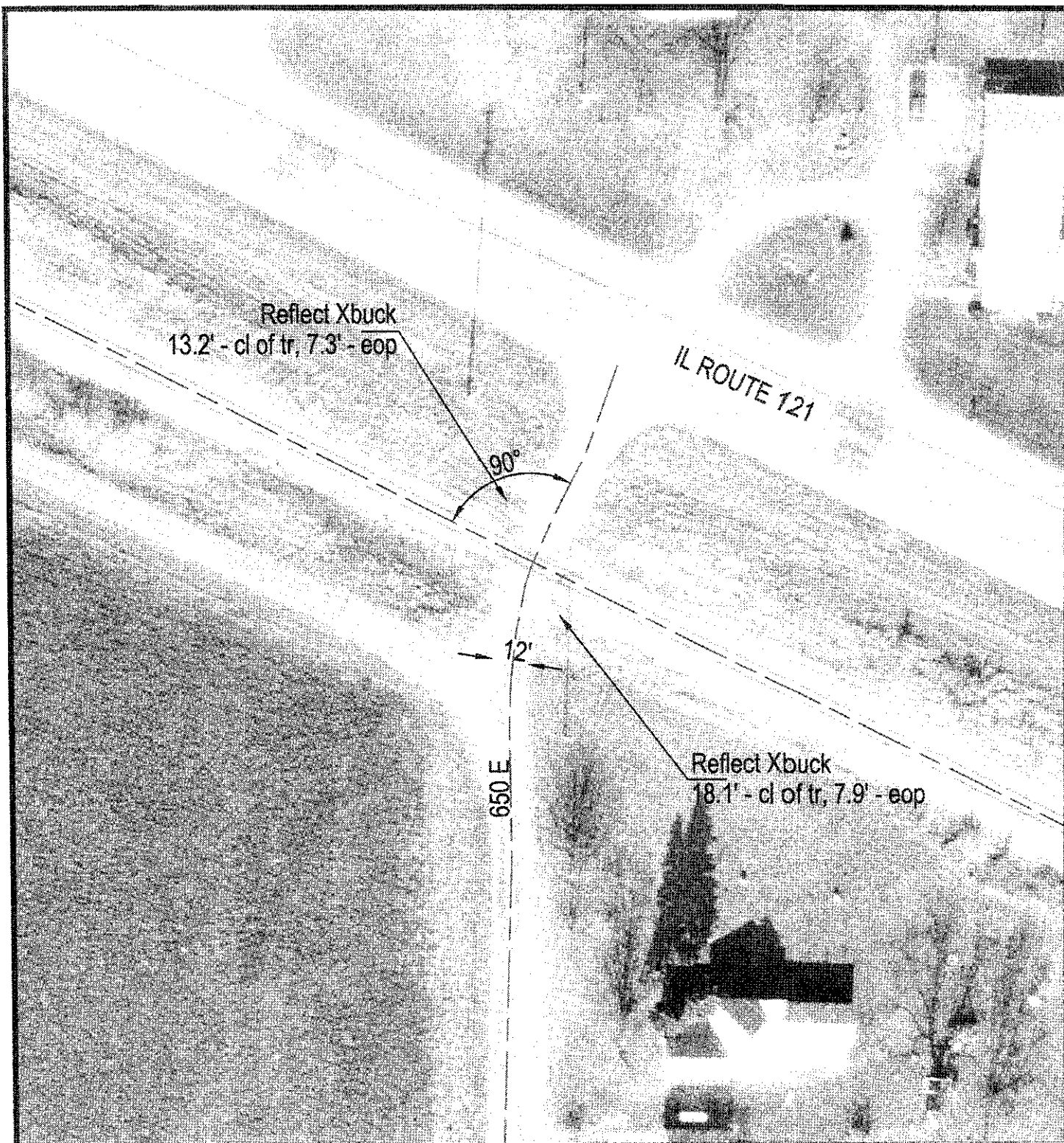
COMMENTS:

Proposed FY07 Grade Crossing Protection Fund (Fund) project is for the Voluntary Closure of 650E with \$50K incentive from the Fund

Proposed Cost Division for 650E work:

WORK	FUND	IC RAILROAD	TOWNSHIP
Voluntary Closure	\$50,000	\$7,500	NA
Crossing Removal	0%	100%	0%
Close and Barricade	0%	0%	100%

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



Crossing #: 292910B
 Location: Moultrie Co., City of Sullivan (N)
 Lat/Long: 39°37'30" / 88°41'25"
 Railroad: Illinois Central Railroad Company
 Street: 650 E / TR 91C
 Railroad Milepost: 99.60-B
 Crossing Protection: Crossbucks

Exhibit B

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1242**

Date 11-29-06

The Sullivan Township Road Dist
(Board or Council of Sullivan Township)

meeting on 11-9-04, Resolved to authorize Edmund W. Dean Highway Comm
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that Sullivan Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION*	

DATE	4-26-07
------	---------

PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company
Docket/Order #; Date:	707-0032
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	292 910B, 99.60-B
Street, (in/near) City, County:	TR91C/650E, Near Sullivan, Moultrie County
Railroad Company:	Illinois Central Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Mr. John M. Henriksen
Title:	Manager, Engineering Services
Representing:	Canadian National (Illinois Central Railroad Company)
Street Address:	17550 Ashland Avenue
City, State, Zip:	Homewood, IL 60430
Office Phone:	(708) 332-3557
Office Fax:	(708) 332-3514
Cellular Phone:	
E-Mail Address:	john.henriksen@cn.ca

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Locate Railroad right-of-way limits
- Remove existing crossing surface and crossbuck signs

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Rail Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/rr/library.aspx>

The billing address for **Grade Crossing Protection Fund** reimbursement is:

Illinois Department of Transportation
Fiscal Control Unit
Bureau of Local Roads and Streets
2300 South Dirksen Parkway
Springfield, Illinois 62764

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>AND</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
--	-------------------	---

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION*	<input type="checkbox"/>

DATE	4-26-07
------	---------

PROJECT INFORMATION:

Reporting Party:	Sullivan Township
Docket/Order #; Date:	707-0032
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	292 910B, 99.60-B
Street, (in/near) City, County:	TR91C/650E, Near Sullivan, Moultrie County
Railroad Company:	Illinois Central Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Mr. Elmo Weaver
Title:	Sullivan Twp. Highway Commissioner
Representing:	Sullivan Township
Street Address:	R.R. 3, Box 141A
City, State, Zip:	Sullivan, IL 61951
Office Phone:	(217) 728-7001
Office Fax:	(217) 728-7308
Cellular Phone:	
E-Mail Address:	sultwp@advancenet.net

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Vacate, close and barricade crossing

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Rail Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/rr/library.aspx>

The billing address for **Grade Crossing Protection Fund** reimbursement is:

Illinois Department of Transportation
Fiscal Control Unit
Bureau of Local Roads and Streets
2300 South Dirksen Parkway
Springfield, Illinois 62764

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>AND</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
--	-------------------	---

EXHIBIT D

(17 Pages + Cover Sheet)

February 2, 2007

STIPULATED AGREEMENT NO. 1242

CERTIFICATE FOR VACATION OF A ROAD

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, hereby certifies that the following described road in said township should be vacated, to-wit:

A part of the Southwest Quarter and the Southeast Quarter of Section Thirty, Township Fourteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Thirty; thence North 0 degrees 09 minutes 26 seconds East along the east line of the Southwest Quarter of said Section Thirty, a distance of 960.95 feet to the point of beginning; thence North 64 degrees 20 minutes 10 seconds West, 22.16 feet; thence North 0 degrees 09 minutes 26 seconds East, 83.10 feet to the northerly railroad right of way line; thence South 64 degrees 20 minutes 10 seconds East along said line, 84.12 feet; thence South 25 degrees 43 minutes 30 seconds West, 75.00 feet; thence North 64 degrees 20 minutes 10 seconds West, 26.10 feet to the point of beginning.

The road proposed to be vacated is part of TR 91C/650E (Dunn Road) and is known as C N Crossing #292910B (AAR/DOT #292910B; Railroad milepost 99.60-B).

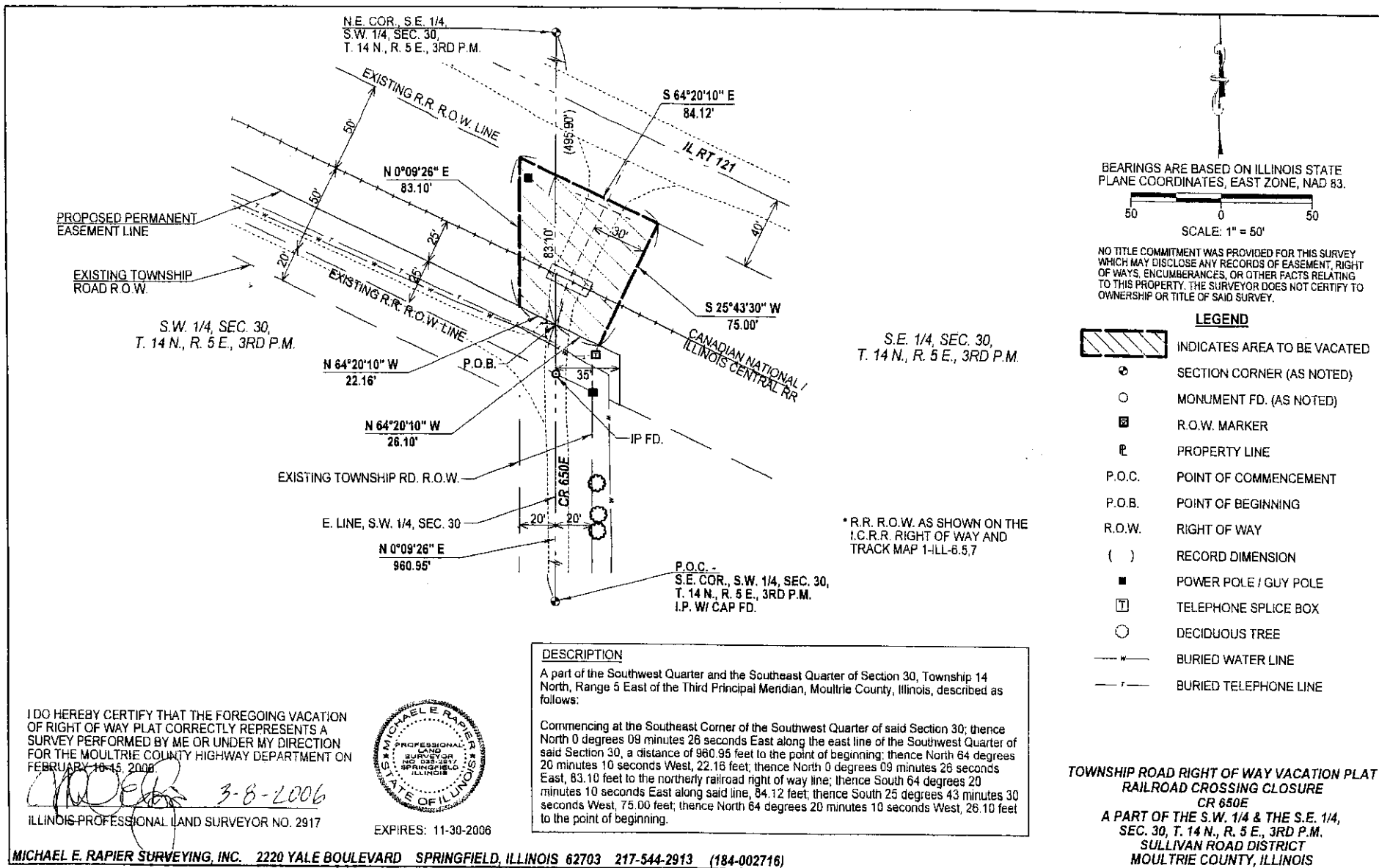
A copy of the plat of the road proposed to be vacated is attached hereto as Exhibit "A".

DATED this 29th day of November, 2006.

Filed this 29th day of
November, 2006.

Gary W. Bruce
Gary Bruce, Clerk of Sullivan
Township Road District of
Moultrie County, Illinois


Elmo Weaver
ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois



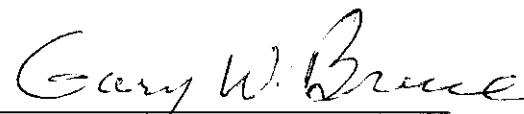
ORDER FOR HEARING

A hearing shall be held on the above Certificate for Vacation of a Road on the 19th day of December, 2006, at 10:00 a.m. at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in Sullivan, Illinois, to examine the route of the road and hear reasons for or against the vacation of the road.

DATED this 29th day of November, 2006.


ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District
of Moultrie County,
Illinois

FILED this 29th day of November, 2006.


GARY BRUCE, Clerk of
Sullivan Township Road
District of Moultrie
County, Illinois

**NOTICE OF HEARING ON
CERTIFICATE BY HIGHWAY
COMMISSIONER FOR**

VACATION OF ROAD

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 19th day of December, 2006, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Southwest Quarter and the Southeast Quarter of Section Thirty, Township Fourteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Thirty, thence North 0 degrees 09 minutes 26 seconds East along the east line of the Southwest Quarter of said Section Thirty, a distance of 960.95 feet to the point of beginning; thence North 64 degrees 20 minutes 10 seconds West, 22.16 feet; thence North 0 degrees 09 minutes 26 seconds East, 83.10 feet to the northerly railroad right of way line; thence South 64 degrees 20 minutes 10 seconds East along said line, 84.12 feet; thence South 25 degrees 43 minutes 30 seconds West, 75.00 feet; thence North 64 degrees 20 minutes 10 seconds West, 26.10 feet to the point of beginning.

The road proposed to be vacated is a part of RR 91C/650E (Dunn Road) and is known as C N Crossing #292910B (AAP/DO#292910B, Railroad milepost 99.60-B).

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 29th day of November, 2006.

ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois
PUBLISHED 12/06/2006

Publisher's Certificate

State of Illinois
Moultrie County

I, Marion E. Best, do hereby certify that I am the Publisher of the NEWS•PROGRESS, a secular newspaper of general circulation published in the City of Sullivan, County of Moultrie, Illinois. The NEWS•PROGRESS is a newspaper as defined in "An Act to revise the law in relation to notices" eff. July 1, 1874 as amended. (Illinois Revised Statutes, Chap. 100, Section 1 through 5). Currently, 715 ILCS Act 10 "Newspaper Legal Notices Act."

The notice hereto annexed, relating to the matter of

Notice of Hearing

Vacation of Road - Sullivan Twp.

has been published in the total circulation of the NEWS•PROGRESS for

one weeks successively, beginning December 06, 2006

and ending December 06, 2006

which are the dates of the first and last issues containing the notice.

Dated: December 06, 2006

Marion E. Best

Publisher

The "NEWS•PROGRESS" is published by Best Newspapers in Illinois, Inc.,
100 West Monroe Street, Sullivan, Illinois 61951. PH 217/728-7381

AFFIDAVIT OF MAILING

The undersigned on oath states that on behalf of ELMO WEAVER, Highway Commissioner of Sullivan Township Road District, a copy of the attached Notice of Hearing on Certificate by Highway Commissioner for Vacation of Road was served on:

Luther R. Norris
2459 Willow Lake Drive
Greenwood, IN 46143

Michael D. Munch
R. #3, Box 103A
Sullivan, IL 61951

Donald Gene Sanders
R. #3, Box 103
Sullivan, IL 61951

Wayne H. Webb, Jr.
P. O. Box 571
Cerro Gordo, IL 61818

Maurene Munch Sanders
R. #3, Box 103
Sullivan, IL 61951

John Standerfer
423 South Main
Sullivan, IL 61951

Billy G. Standerfer
R. #3, Box 97
Sullivan, IL 61951

Jennifer Kay Standerfer
423 South Main
Sullivan, IL 61951

Joyce W. Standerfer
R. #3, Box 97
Sullivan, IL 61951

James A. Parsley
R. #3, Box 96
Sullivan, IL 61951

Paula S. Parsley
R. #3, Box 96
Sullivan, IL 61951

Illinois Central Railroad Company
Attention: John Henriksen
CN - Manager Public Works
17641 Ashland Ave.
Homewood, IL 60430-1345

Doug DeLong
Moultrie County Supervisor of Highways
Moultrie County Courthouse
10 South Main Street
Sullivan, IL 61951

by mailing a copy of same to them at the addresses shown above with postage fully prepaid and by depositing same in a U.S. Post Office Box in Sullivan, Illinois, this 5th day of December, 2006.



Robert V. Elder

Subscribed and Sworn to before me this 5th day of December,
2006.



Loretta J. Hudson
Notary Public

NOTICE OF HEARING ON CERTIFICATE BY
HIGHWAY COMMISSIONER FOR VACATION OF ROAD

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 19th day of December, 2006, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Southwest Quarter and the Southeast Quarter of Section Thirty, Township Fourteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Thirty; thence North 0 degrees 09 minutes 26 seconds East along the east line of the Southwest Quarter of said Section Thirty, a distance of 960.95 feet to the point of beginning; thence North 64 degrees 20 minutes 10 seconds West, 22.16 feet; thence North 0 degrees 09 minutes 26 seconds East, 83.10 feet to the northerly railroad right of way line; thence South 64 degrees 20 minutes 10 seconds East along said line, 84.12 feet; thence South 25 degrees 43 minutes 30 seconds West, 75.00 feet; thence North 64 degrees 20 minutes 10 seconds West, 26.10 feet to the point of beginning.

The road proposed to be vacated is a part of TR 91C/650E (Dunn Road) and is known as C N Crossing #292910B (AAR/DOT #292910B, Railroad milepost 99.60-B).

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 29th day of November, 2006.

s/ Elmo Weaver

ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois

MEMORANDUM OF DECISION

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, having conducted a hearing on a Certificate for Vacation of a Road for the Vacation of part of TR 91C/650E (Dunn Road) known as C N Crossing #292910B (AAR/DOT #292910B; Railroad milepost 99.60-B) described as:

A part of the Southwest Quarter and the Southeast Quarter of Section Thirty, Township Fourteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Thirty; thence North 0 degrees 09 minutes 26 seconds East along the east line of the Southwest Quarter of said Section Thirty, a distance of 960.95 feet to the point of beginning; thence North 64 degrees 20 minutes 10 seconds West, 22.16 feet; thence North 0 degrees 09 minutes 26 seconds East, 83.10 feet to the northerly railroad right of way line; thence South 64 degrees 20 minutes 10 seconds East along said line, 84.12 feet; thence South 25 degrees 43 minutes 30 seconds West, 75.00 feet; thence North 64 degrees 20 minutes 10 seconds West, 26.10 feet to the point of beginning.

does hereby find:

1. That Notice of this hearing has been given in writing at least 10 days prior to the hearing:
 - A. To the Moultrie County Superintendent of Highways;
 - B. By publication in a newspaper published in the Township as shown by a copy of the Certificate of Publication annexed hereto;
 - C. To all persons owning property located within 200 feet of the Road proposed to be vacated by mail as set forth in the Affidavit of Mailing annexed hereto.
 - D. That the hearing was held at the time and place set forth in the Notice of Hearing and the road proposed to be vacated was examined and the hearing was adjourned to 10:00 a.m. on December 20, 2006, by public announcement and by written notice to the County

Superintendent of Highways and by posting of a Notice of the time and place named at the first hearing.

2. That the vacation of the Road is in the public and economic interest.
3. That any person residing or owning land within 2 miles of any portion of the Road proposed to be vacated shall have reasonable access by way of a motor vehicle or other portable farm machinery commonly used in the area to farmland such person owns or operates and to community trade centers after the Road is vacated.
4. That no damages will result from the vacation of the Road.
5. That a survey of the Road has been made and a Plat of the Road as attached to the Certificate for Vacation of a Road.
6. That the Illinois Central Railroad Company has agreed to furnish Sullivan Township Road District an easement or right of way to construct and maintain a road and public utilities in, on, and across the following described real estate:

A part of the Southwest Quarter of Section Thirty, Township Fourteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Thirty; thence North 0 degrees 09 minutes 26 seconds East along the East line of the Southwest Quarter of said Section Thirty, a distance of 933.25 feet to the southerly railroad right of way line and the point of beginning; thence North 64 degrees 20 minutes 10 seconds West along said line, 1051.49 feet; thence North 25 degrees 39 minutes 50 seconds East, 20.00 feet; thence South 64 degrees 20 minutes 10 seconds East, 683.97 feet; thence North 25 degrees 39 minutes 50 seconds East, 5.00 feet; thence South 64 degrees 20 minutes 10 seconds East, 394.37 feet; thence South 0 degrees 09 minutes 26 seconds West, 27.70 feet to the southerly railroad right of way line; thence North 64 degrees 20 minutes 10 seconds West along said line, 38.78 feet to the point of beginning, containing 0.544 acres, more or less.

a survey of which has been made and a Plat thereof is annexed hereto.

7. That the Commissioners considered objections made to the vacation of the Road as well as public safety.

8. That the names of all persons present at the hearing are:


Elmo Weaver	Helen Franklin
Robert V. Elder	Mike Keown
Doug DeLong	Punch Martin
Robert Thompson	Ed Riley
James H. Smith	Stan Duzan
Lee R. Mitchell	Carolyn Doss
James A. Parsley	James E. Doss
Daniel Franklin	Tim Hogue

9. That the Road proposed to be vacated should be vacated.
10. That based on the above findings this hearing shall also be a final hearing on the Certificate for Vacation.
11. That the vacation should be effective upon:
- A. The Illinois Central Railroad Company granting Sullivan Township Road District the easement or right of way described in paragraph 6 above, and
 - B. Upon Stipulated Agreements 1242 and 1243 before the Illinois Commerce Commission Transportation Division/Rail Safety Section being executed by all of the parties, approved by the Illinois Commerce Commission and becoming final and enforceable and the closing shall be done in accordance with the Illinois Commerce Commission Order.

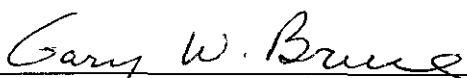
IT IS THEREFORE ORDERED that the Road described in the Certificate for Vacation of a Public Road filed herein for the vacation of the Road described above in this Memorandum of Decision be and the same is hereby vacated with such vacation to be effective upon:

- A. The Illinois Central Railroad Company granting to Sullivan Township Road District the easement or right of way described in paragraph 6 above, and;
- B. Stipulated Agreements 1242 and 1243 before the Illinois Commerce Commission Transportation Division/Rail Safety Section being executed by all of the parties, approved by the Illinois Commerce Commission and becoming final and enforceable and the closing shall be done in accordance with the Illinois Commerce Commission Order.


DATED this 20th day of December, 2006.


ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois

FILED this 20th day of December, 2006.


GARY BRUCE, Clerk of Sullivan
Township Road District of
Moultrie County, Illinois

Received a copy of the above and foregoing Memorandum
of Decision the 20th day of December, 2006.


DOUG DELONG, Moultrie County
Superintendent of Highways

**NOTICE OF HEARING ON
CERTIFICATE BY HIGHWAY
COMMISSIONER FOR
VACATION OF ROAD**

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 19th day of December, 2006, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Southwest Quarter and the Southeast Quarter of Section Thirty, Township Fourteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Thirty, thence North 0 degrees 09 minutes 26 seconds East along the east line of the Southwest Quarter of said Section Thirty, a distance of 960.95 feet to the point of beginning; thence North 64 degrees 20 minutes 10 seconds West, 22.16 feet; thence North 0 degrees 09 minutes 26 seconds East, 83.10 feet to the northerly railroad right of way line; thence South 64 degrees 20 minutes 10 seconds East along said line, 84.12 feet; thence South 25 degrees 43 minutes 30 seconds West, 75.00 feet; thence North 64 degrees 20 minutes 10 seconds West, 26.10 feet to the point of beginning.

The road proposed to be vacated is a part of TR 91C/650E (Dunn Road) and is known as C N Crossing #292910B (AAR/DOT #292910B, Railroad milepost 99.60-B).

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 29th day of November, 2006.

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District of Moultrie County, Illinois
PUBLISHED 12/06/2006

Publisher's Certificate

State of Illinois
Moultrie County

I, Marion E. Best, do hereby certify that I am the Publisher of the NEWS•PROGRESS, a secular newspaper of general circulation published in the City of Sullivan, County of Moultrie, Illinois. The NEWS•PROGRESS is a newspaper as defined in "An Act to revise the law in relation to notices" eff. July 1, 1874 as amended. (Illinois Revised Statutes, Chap. 100, Section 1 through 5). Currently, 715 ILCS Act 10 "Newspaper Legal Notices Act."

The notice hereto annexed, relating to the matter of

Notice of Hearing

Vacation of Road - Sullivan Twp.

has been published in the total circulation of the NEWS•PROGRESS for

one weeks successively, beginning December 06, 2006

and ending December 06, 2006

which are the dates of the first and last issues containing the notice.

Dated: December 06, 2006

Marion E. Best

Publisher

The "NEWS•PROGRESS" is published by Best Newspapers in Illinois, Inc.,
100 West Monroe Street, Sullivan, Illinois 61951. PH 217/728-7381

AFFIDAVIT OF MAILING

The undersigned on oath states that on behalf of ELMO WEAVER, Highway Commissioner of Sullivan Township Road District, a copy of the attached Notice of Hearing on Certificate by Highway Commissioner for Vacation of Road was served on:

Luther R. Norris
2459 Willow Lake Drive
Greenwood, IN 46143

Michael D. Munch
R. #3, Box 103A
Sullivan, IL 61951

Donald Gene Sanders
R. #3, Box 103
Sullivan, IL 61951

Wayne H. Webb, Jr.
P. O. Box 571
Cerro Gordo, IL 61818

Maurene Munch Sanders
R. #3, Box 103
Sullivan, IL 61951

John Standerfer
423 South Main
Sullivan, IL 61951

Billy G. Standerfer
R. #3, Box 97
Sullivan, IL 61951

Jennifer Kay Standerfer
423 South Main
Sullivan, IL 61951

Joyce W. Standerfer
R. #3, Box 97
Sullivan, IL 61951

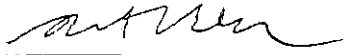
James A. Parsley
R. #3, Box 96
Sullivan, IL 61951

Paula S. Parsley
R. #3, Box 96
Sullivan, IL 61951

Illinois Central Railroad Company
Attention: John Henriksen
CN - Manager Public Works
17641 Ashland Ave.
Homewood, IL 60430-1345

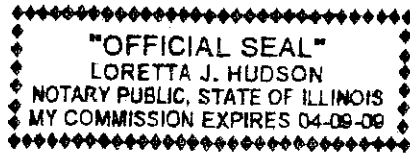
Doug DeLong
Moultrie County Supervisor of Highways
Moultrie County Courthouse
10 South Main Street
Sullivan, IL 61951

by mailing a copy of same to them at the addresses shown above with postage fully prepaid and by depositing same in a U.S. Post Office Box in Sullivan, Illinois, this 5th day of December, 2006.



Robert V. Elder

Subscribed and Sworn to before me this 5th day of December,
2006.



Loretta J. Hudson
Notary Public

NOTICE OF HEARING ON CERTIFICATE BY
HIGHWAY COMMISSIONER FOR VACATION OF ROAD

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 19th day of December, 2006, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Southwest Quarter and the Southeast Quarter of Section Thirty, Township Fourteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Thirty; thence North 0 degrees 09 minutes 26 seconds East along the east line of the Southwest Quarter of said Section Thirty, a distance of 960.95 feet to the point of beginning; thence North 64 degrees 20 minutes 10 seconds West, 22.16 feet; thence North 0 degrees 09 minutes 26 seconds East, 83.10 feet to the northerly railroad right of way line; thence South 64 degrees 20 minutes 10 seconds East along said line, 84.12 feet; thence South 25 degrees 43 minutes 30 seconds West, 75.00 feet; thence North 64 degrees 20 minutes 10 seconds West, 26.10 feet to the point of beginning.

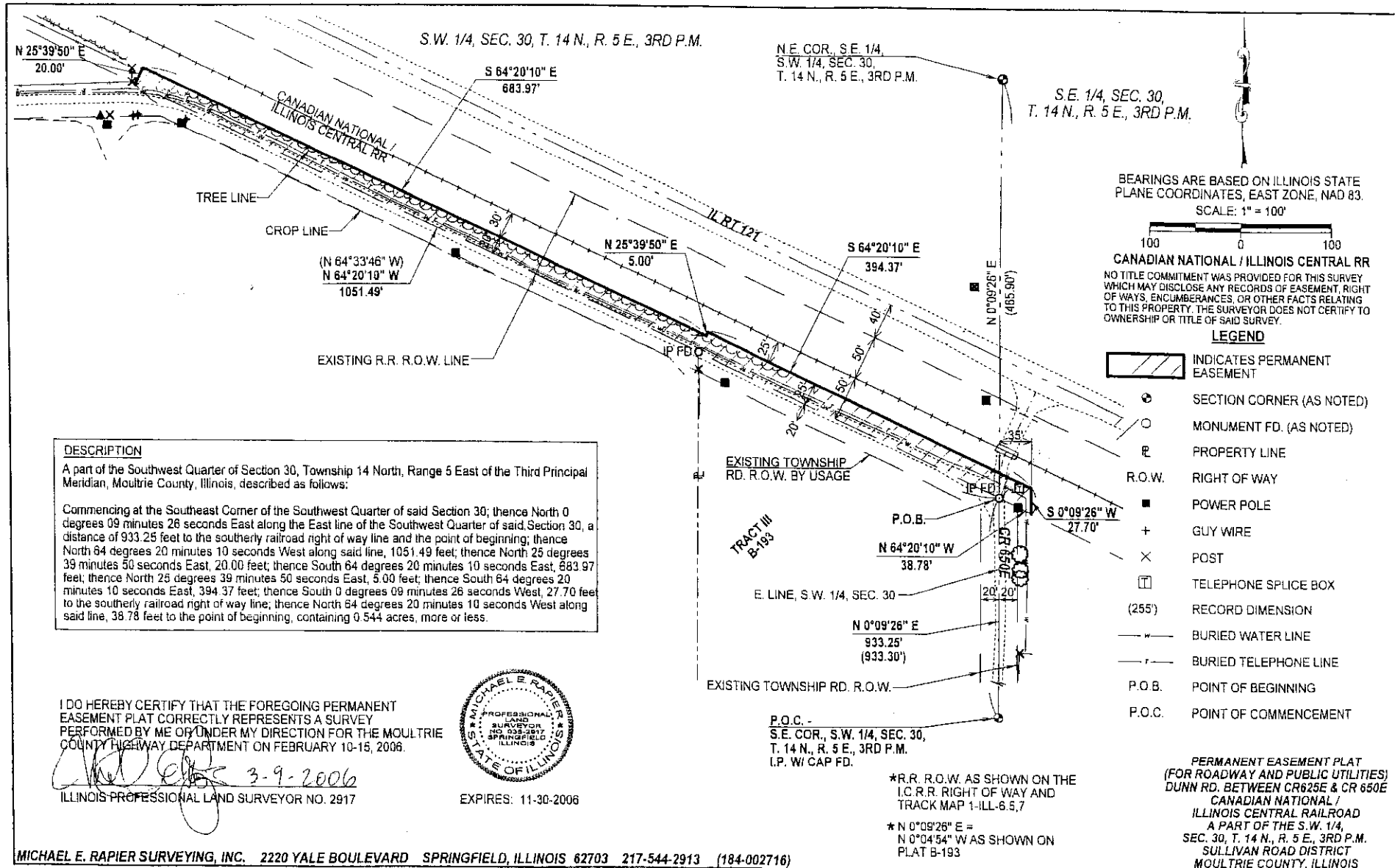
The road proposed to be vacated is a part of TR 91C/650E (Dunn Road) and is known as C N Crossing #292910B (AAR/DOT #292910B, Railroad milepost 99.60-B).

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 29th day of November, 2006.

s/ Elmo Weaver

ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois



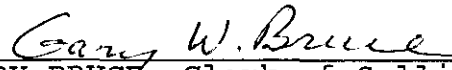
CERTIFICATE

GARY BRUCE, Clerk of Sullivan Township Road District in Moultrie County, Illinois, does hereby certify the above and foregoing to be a true and correct copy of a transcript of the proceedings for the vacation of a part of road TR 91C/650E (Dunn Road) known as C N Crossing #292910B (AAR/DOT #292910B; Railroad milepost 99.60-B) in Sullivan Township Road District including the following:

Certificate for Vacation of Road
Order for Hearing
Publisher's Certificate of Publication of Notice of Hearing
Affidavit of Mailing Notice of Hearing
Memorandum of Decision Ordering Vacation of Road

as the same appear of record and on file in my office.

IN WITNESS WHEREOF I have set my hand this 21st day of December, 2006.



GARY BRUCE, Clerk of Sullivan
Township Road District in
Moultrie County, Illinois